

MISSISSIPPI WIRELESS COMMUNICATION COMMISSION

July 24, 2009 Meeting Minutes

Place: Telephone Conference Call

Commission Members Present:

MS Department of Corrections	Chris Epps
MS Emergency Management Agency	Mike Womack
MS Department of Environmental Quality	Keith Harkins
MS Department of Transportation	Willie Huff
MS Association of Fire Chiefs	Tom Lariviere
MS Office of Homeland Security	Jay Ledbetter
MS Department of Information Technology Services	David Litchliter
MS Department of Health	Mike Lucius
MS Municipal League	Quincy Mukoro
MS Department of Public Safety	Stephen Simpson
MS Highway Safety Patrol	Michael Berthay

Advisory Members Present:

Senate Public Utilities Committee	Senator Nolan Mettetal
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WCC Staff Present:

WCC Executive Officer	Bill Roach
WCC Administrative Assistant	Lana Nicks

Visitors Present:

Serena Clark	Governor's Office
Mike Garriga	ITS/WCC Legal Representative

Chairman Epps called the meeting to order at 1:02 PM, welcomed everyone, noted the presence of Advisory Board Member, Senator Nolan Mettetal, and asked that the roll be called for the purpose of establishing a quorum. Mr. Bill Roach called the roll and all members of the Commission were identified as being on the telephone with the exception of Steve Gray, William Freeman, Joseph McArthur, Tim Perkins, and Tommy Moffett. Serena Clark from the Governor's Office and Mike Garriga, ITS/WCC legal representative, were also present.

Chairman Epps recognized Commissioner Stephen Simpson who made a motion to declare an emergency need to waive the five (5) day notice period for Commission meetings, pursuant to Miss. Code Sect. 25-41-5(5) and then amended the motion to include the twenty-four (24) hour notice provision found in the WCC rules and regulations for Commission meetings to consider the adoption of the resolution to the State Bond Commission. The motion was seconded by Mr. Mike Lucius. On individual roll call, the following vote was taken: Ayes included Chris Epps, Mike Womack, Mike Lucius, Jay Ledbetter, Willie Huff, Michael Berthay, Keith Harkins, Tom Lariviere, Quincy Mukoro, David Litchliter, Stephen Simpson; Nays included none. The motion carried.

Chairman Epps asked Mr. Bill Roach to explain to everyone why the Emergency Teleconference Call was necessary. Mr. Roach explained that the WCC had received grant money from FEMA through DHS the two \$20M dollar allocations and the \$100M dollar allocation recently approved by Congress which we have not yet received. The WCC has sent in information on the National Environmental Protection Act assessments and the Environmental Site assessments we've done which are required by the FAA and FCC to build a tower site. The WCC learned last week that as part of DHS' process, there also has to be an approval done by FEMA's Office of Environmental and Historical Preservation. FEMA has asked us to stop any expenditures of those grant funds until they have been able to do an Environmental and Historical Preservation review on all the

sites that have been done. Mr. Roach noted that no funds have been spent since they made that statement.

There are about \$10M dollars in invoices outstanding to Motorola right now and about \$200K dollars in regular operating expenses. The WCC has about \$9M dollars in State Bond Funds that can be applied towards those but the project would have to be stopped immediately and no more work done past this point, without the issuance of the \$35M in Bond Funds that was approved by the Legislature in the 2009 Regular Session.

Mr. Roach met with the State Treasurer on Wednesday, July 22, 2009. The Bond Commission will meet next Friday, July 31, 2009, a week from today. Their agenda goes out on Tuesday and the Treasurer requested that we have a resolution passed by the Commission asking the Bond Commission to issue the \$35M in State General Obligation Funds that the Legislature passed last session. The reason the emergency teleconference meeting was called today is to consider adoption of that resolution so that the Chairman can execute it and we can pass it on to the Bond Commission prior to its July 31, 2009 meeting, should the members of the WCC approve. If the WCC failed to act before the next Bond Commission meeting the MSWIN project schedule would face serious delays that could affect emergency operations during the present hurricane season.

Chairman Epps called for questions or comments. Mr. Mike Lucius asked if the Treasurer had asked the WCC to pull any kind of draw down schedules as to how quickly this money will be spent. Mr. Roach indicated that he had not since the whole project is only expected to go another 18-20 months. He was, however, given a payment schedule of the forecast for the next six (6) months. Mr. Mike Lucius then asked if any conversations have been had with the Governor's office. Serena Clark responded and noted that she had talked with Mr. Roach before this call and asked for an updated expenditure report for the Governor's review. Ms. Clark stated that if we can't access FEMA funds, the Governor is not going to want the project stopped. He is in full support of seeing it continue.

Commissioner Simpson asked if the cease and desist order from FEMA is based on the Environmental and Historical issue and if that means that even if we get the \$35M, we still cannot spend it until that issue is resolved with FEMA. Mr. Roach indicated that the cease and desist order from FEMA is based on the Environmental and Historical issue but that we can spend the \$35M on other activities. A budget had to be sent in to FEMA explaining what we were going to spend the FEMA money on and there are other activities that we still need to pay invoices on.

Mr. Mike Womack commented that he does not know who Mr. Roach is dealing with on the FEMA side but there are people at FEMA in Biloxi in the Transitional Recovery Office that are working on environmental issues and asked Mr. Roach to let him know if he can help facilitate that. Mr. Roach responded that a meeting is scheduled with the Regional Environmental Officer on August 3-4, 2009 and he would appreciate any help Mr. Womack can give the WCC on that. Mr. Womack asked for the details to be provided to him and indicated that he or a representative would be there.

Ms. Serena Clark said that from the Governor's office perspective, they are working with Mr. Roach trying to get in touch with FEMA and they plan to be there on August 3-4 and if necessary can go to DC and work with them there.

Mr. Roach noted that the WCC had met with the environmental engineer who has done the environmental assessments on most of the sites. He has done hundreds, possibly thousands of assessments for FCC and FAA approvals. Apparently he has never done anything that has FEMA funding tied to it before. It appears, from his review of the FEMA/EHP web site, that anything funded by FEMA has to go through the Environmental and Historical Preservation Office and they have a few additional requirements to those required by the FCC and FAA. What the WCC hopes to do is ask for forgiveness and be allowed to amend the assessments we have submitted so far, giving us a format going forward for the rest of the sites in the state. That is our

plan of action but we don't know how long a delay we'll have before we have availability of the first \$40M in FEMA funds or the additional \$100M. This resolution will just allow the Bond Commission to release the \$35M for use until then.

Ms. Serena Clark said assuming Bond Commission approval, it will be a part of the fall bond sale. Chairman Epps clarified that if we can get the money from this bond, we can continue the project; if not the project stops. We have only a little less than \$10M in our fund right now and we have that much in invoices to pay so in essence, we would be broke.

Mr. Mark Garriga said that the resolution needed to be read and the vote recorded, but noted that since it was distributed to all members present on the call the reading can be waived if approved by the quorum of the WCC participating in the teleconference.

A motion that we suspend the reading of the resolution was made by Mr. Mike Lucius and seconded by Col. Michael Berthay. On individual roll call, the following vote was taken: Ayes included Chris Epps, Mike Womack, Mike Lucius, Jay Ledbetter, Willie Huff, Michael Berthay, Keith Harkins, Tom Lariviere, Quincy Mukoro, David Litchliter, and Stephen Simpson; Nays included none. The motion carried.

Mr. Mark Garriga also noted that there has to be a vote on the resolution itself and the vote recorded. A motion that we vote to adopt the resolution and submit it to the Bond Commission was made by Mr. Willie Huff and seconded by Commissioner Simpson. On individual roll call, the following vote was taken: Ayes included Chris Epps, Mike Womack, Mike Lucius, Jay Ledbetter, Willie Huff, Michael Berthay, Keith Harkins, Tom Lariviere, Quincy Mukoro, David Litchliter, and Stephen Simpson; Nays included none. The motion carried.

Mr. Mark Garriga then noted that all business of the Commission had been fulfilled and that it was appropriate for Chairman Epps to adjourn if there are no objections. Chairman Epps stated that he will be available to sign the resolution first thing Monday morning and get it over to the Bond Commission.

A motion to adjourn if no objections was made by Chairman Epps. Hearing no objections, the meeting was adjourned at approximately 1:22 PM. An audio recording was made of the teleconference meeting and a copy will be maintained by the WCC for a period of three years, as required by Miss. Code Sect. 25-41-5(5), and will be made available to the public on request.